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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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VALERIE PLAME WILSON et al.,	:	
	:	
Plaintiffs,	:	07 Civ. 4595 (BSJ)
	:	
v.	:	DEFENDANTS' RESPONSE TO
	:	PLAINTIFFS' STATEMENT OF
J. MICHAEL MCCONNELL et al.,	:	MATERIAL FACTS PURSUANT
	:	TO LOCAL RULE 56.1(b)
Defendants.	:	
-----	X	

Pursuant to Local Civil Rule 56.1(b) of the Local Rules of the United States District
Courts for the Southern and Eastern Districts of New York, defendants respond to plaintiffs'
"Statement of Undisputed Facts" as follows:

1. Deny, as unsupported by a citation to admissible evidence as required by Local
Rule 56.1(d).¹
2. Deny, as unsupported by a citation to admissible evidence as required by Local
Rule 56.1(d).
3. Deny, as unsupported by a citation to admissible evidence as required by Local

¹ Defendants assert this response in opposition to the many of plaintiffs' contentions that are supported only by citations to their own prior assertions of the same allegations; to hearsay; or to evidence otherwise not admissible at trial, and therefore are not properly cited in a Rule 56.1 Statement or motion for summary judgment.

Rule 56.1(d).

4. Admit that the quoted language appears in Joseph Wilson's book; otherwise deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); deny as controverted by Declaration of Richard J. Puhl dated July 12, 2007; otherwise defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information.

5. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

6. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

7. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

8. Admit.

9. Admit.

10. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

11. Admit.

12. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

13. Admit.

14. Admit.

15. Defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information.

16. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

17. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

18. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

19. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

20. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

21. Admit, except deny allegation that CIA characterized letter as “official,” as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

22. Admit.

23. Defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information. *See* Administrative Record (Classified) (“AR (Cl.)”) Tab 1.

24. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

25. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

26. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

27. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a

citation to admissible evidence as required by Local Rule 56.1(d).

28. Defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information. *See* AR (Cl.) Tab 1.

29. Admit, with respect to the letter as originally sent in February 2006.

30. Admit.

31. Admit as correct, as a matter of law, with respect to documents classified “secret.”

32. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

33. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

34. Deny, as a legal conclusion and not a statement of fact.

35. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

36. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

37. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); otherwise defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information.

38. Admit.

39. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

40. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

41. Admit.

42. Admit that the quoted language is attributed to Representative Inslee in the Congressional Record; otherwise deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

43. Admit that the quoted language is attributed to Representative Inslee in the Congressional Record; otherwise deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

44. Admit that the quoted language is attributed to Representative Inslee in the Congressional Record; otherwise deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); otherwise defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information.

45. Admit that the quoted language is attributed to Representative Inslee in the Congressional Record; otherwise deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); otherwise defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information.

46. Defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information. *See* AR (Cl.) Tab 8.

47. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); deny as controverted by AR (Cl.) Tab 3; otherwise, defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information.

48. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

49. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

50. Admit.

51. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

52. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

53. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

54. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

55. Admit that letter dated January 9, 2007, was sent to CIA by plaintiff Wilson's counsel, but otherwise deny as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d) and as controverted by AR (Uncl.) Tab 15.

56. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

57. Admit, except deny allegation regarding the date of receipt, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

58. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); deny as controverted by AR (Uncl.) Tab 18 and Declaration of Karen F. Tumolo dated July 13, 2007.

59. Admit.

60. Deny, as unsupported by a citation to admissible evidence as required by Local

Rule 56.1(d).

61. Admit that CIA on January 23, 2007, wrote the clerk of the House of Representatives stating that the February 10, 2006, letter included in the Congressional Record contained classified information that was not properly marked to reflect its national security classification.

62. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

63. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

64. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

65. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

66. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

67. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

68. Defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information. *See* AR (Cl.) Tab 1.

69. Defendants can neither admit nor deny this allegation, as defendants cannot comment in this unclassified filing on classified information. *See* AR (Cl.) Tab 1.

70. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

71. Deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

72. Deny as controverted by AR (Uncl.) Tabs 15 and 18; deny, as a legal conclusion and not a statement of fact, and as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

73. Admit.

74. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); deny as controverted by AR (Cl.) Tabs 2, 9.

75. Admit, except the correct date is April 24, 2007.

76. Admit.

77. Admit.

78. Admit.

79. Deny, as a statement of the parties' contentions and not a statement of fact.

80. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d).

81. Admit that Director of the CIA, General Michael V. Hayden, reviewed the February 10, 2006, letter and reconfirmed that acknowledging whether plaintiff Wilson was employed by the CIA before January 1, 2002, was currently and properly classified as secret.

82. Admit.

83. Admit with respect to the single issue referred to in AR (Uncl.) Tab 28.

84. Admit.

85. Admit that the single issue referred to was whether plaintiff Wilson was employed by the CIA before January 1, 2002.

86. Deny, as unsupported by a citation to admissible evidence as required by Local Rule 56.1(d); deny as controverted by AR (Cl.) Tab 8.

87. Deny sentence referring to defendants' assertions, as a statement of the parties' contentions and not a statement of fact. Admit that Director of National Intelligence J. Michael McConnell concurred with the CIA's classification determinations in this case.

Dated: New York, New York
July 18, 2007

Respectfully submitted,

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